

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mark Lee,

Plaintiff,

v.

Dr. Mark T. Esper, Secretary U.S.
Department of the Army,

Defendant.

C/A No. 3:18-cv-03606-TLW-KFM

ORDER

Plaintiff Mark Lee filed this action on December 31, 2018, pursuant to Title VII of the Civil Rights Act of 1964. ECF No. 1. In his complaint, the plaintiff alleges that the defendant created a hostile work environment and then terminated him for false and pretextual reasons because he engaged in protected activity. On April 25, 2019, the defendant filed a partial motion to dismiss seeking dismissal of plaintiff's retaliatory discharge claim. ECF No. 6. This matter now comes before this Court for review of the Report and Recommendation ("Report") filed on August 13, 2019, by United States Magistrate Judge Kevin McDonald, ECF No. 21. In the Report, the Magistrate Judge recommends that the Court deny the defendant's partial motion to dismiss. *Id.* The deadline to file objections to the Report was August 27, 2019. The defendant did not file any objections to the Report. This matter is now ripe for disposition.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained therein. 28 U.S.C. § 636. However, in the absence of objections to the Report, the Court is not required to give any explanation for adopting the Magistrate Judge's

recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After careful consideration of the Report, the relevant filings, and *Nealon v. Stone*, 958 F.2d 584 (4th Cir. 1992), and without objection to the report, the Court accepts the detailed legal analysis by the Magistrate Judge. Accordingly, the Court hereby **ACCEPTS** the Report, ECF No. 21. For the reasons stated in the Report, the defendant’s partial motion to dismiss, ECF No.6, is **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Senior United States District Judge

January 2, 2020
Columbia, South Carolina